

D5186857

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2018 MAR 13 PM 4:01

DEPUTY CLERK 

SUPER-SPARKLY SAFETY STUFF, LLC

PLAINTIFF

v.

Civil Action No. **318 - CV0587 - D**

SKYLINE USA, INC.,
d/b/a GUARD DOG SECURITY

DEFENDANTS

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW the Plaintiff, Super-Sparkly Safety Stuff, LLC ("Super,") by and through its attorney, Chris H. Stewart of the Stewart Law Firm, files this Complaint against defendant Skyline USA, INC., d/b/a Guard Dog Security, (hereafter "Guard") as follows:

JURISDICTION AND VENUE

1. This Court retains jurisdiction as patent infringement raises a federal question and is proper under 28 U.S.C. § 1331.
2. Pursuant to 28 U.S.C. § 1391, venue in this suit lies in the Northern District of Texas because the actions which gave rise to the claims presented in this complaint occurred in Dallas, Texas, within the Northern District of Texas.
3. Additionally, the Northern District of Texas has personal jurisdiction of the Defendants. Defendants have maintained substantial, continuous and systematic contacts with the state of Texas through its business dealings with customers in Texas. Furthermore, Defendant marketed its services and provided customer services to the state of Texas.

4. Additionally, The Northern District of Texas has personal jurisdiction of the Defendants because, among other things, Defendants are engaged in tortuous conduct within the state of Texas and in this District, including placing into commerce illegal copies of Plaintiff's patent via www.guarddog-security.com, catalogs, tradeshow, third-party sellers and independent sale's agents.

**PARTIES RELEVANT TO
PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT**

5. This action is brought by Super-Sparkly Safety Stuff, LLC, manufacturers of pepper spray, and other personal security devices, organized within the state of Texas with its principal headquarters at 7015 Twin Hills Ave., Dallas, TX 75231.

6. Skyline USA, INC., d/b/a Guard Dog Security, (hereinafter "GUARD") is a corporation organized under the laws of the state of Florida and its principal place of business located at 4180 St. John's Parkway, Sandford, TX 32771, with business activities throughout Texas, the United States and the World Wide Web. GUARD offers for sale an infringing product called "Bling It On" pepper spray that violates the Plaintiff's patent and embodies the Plaintiff's "Bling Sting" pepper spray.

FACTUAL BASIS FOR THE CLAIMS ASSERTED

7. The Plaintiff specializes in the manufacture and distribution of pepper spray, stun and other personal protection devices.

8. The Plaintiff markets and sells its patented products through trade specialty shows, sales associates, retail stores, catalogs and through internet distribution throughout the United States.

9. The Defendant is a seller and importer of goods from China and sells the goods as retail and wholesale nationwide.

10. The Defendant uses tradeshow, the world wide web, catalog and business to business activities to sell its products.

11. The Defendant owns and operates the website www.guarddog-security.com.

12. Andrea Anteberry and Gabe Mazzone filed for a two patents for a "Rhinestone covered container for pepper spray canister."

13. On June 9, 2015, United States Letters Patent No. US D731,172S and January 7, 2014, No. USD696,857S, were issued to Andrea Anteberry and Gabe Mazzone for an invention for a "Rhinestone covered container for pepper spray canister." See Exhibit A.

14. Gabe Mazzone is the president of the Plaintiff and Andrea Anteberry is the CEO of the Plaintiff.

15. Gabe Mazzone and Andrea Anteberry both assigned their right and title of the United States Letters Patent No. US D731,172S and No. USD696,857S to the Plaintiff.

16. Upon information and belief the Plaintiff learned on February 7, 2017, that GUARD offered for sale an infringing product called "Bling It On" pepper spray that violated the Plaintiff's patent and embodied the Plaintiff's "Bling Sting" pepper spray.

17. The following week a notice was sent to Mr. Shabbir Sheikh, the owner and registered agent of GUARD, informing him of the infringing product and illegal infringement.

18. GUARD continues to sell the infringing product.

19. Plaintiff has seen GUARD advertises and offer the infringing product for sale at the ASD tradeshow in Las Vegas, NV.

20. The Plaintiff owed the US D731,172S patent throughout the period of the Defendants infringing acts and still owns the patent. See Figures 1 & 2. Below of the US D731,172S patent.

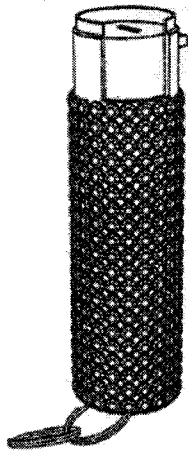


FIG. 1

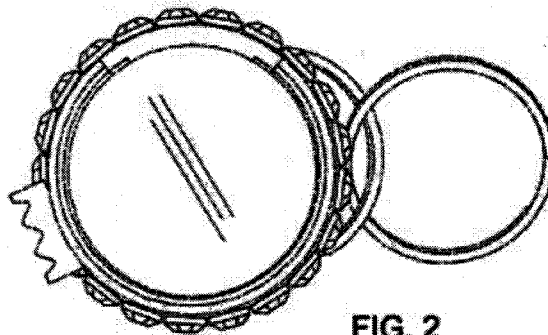
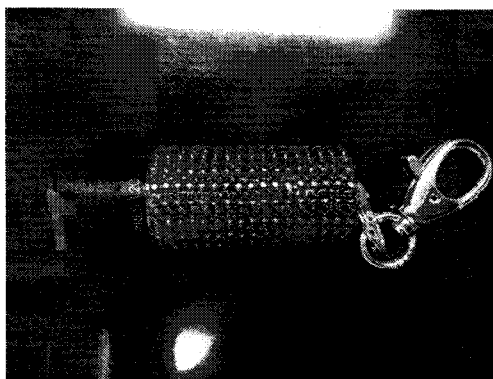


FIG. 2

21. The Plaintiff's product is one of a kind and it came first.

22. The Plaintiff's Bling Sting pepper spray product embodies the Plaintiff's patent.

See photo below.



23. The Plaintiff's designs are its own intellectual property. No goods of this design existed prior to the Plaintiff's designs and patents.

24. The Plaintiff are the only holder of patents on products of this kind in the United States.

25. The Plaintiff makes significant revenue off of the Bling Sting pepper spray.

26. On information and belief the Plaintiff learned that in February 7, 2017 that the Defendant began selling an illegal product that embodied the Plaintiff's patent.

27. The Defendant currently has the illegal products on its websites.

28. The Defendant has sold and continue to sell on their websites illegal copies of the Plaintiff's patents and contributes to third parties selling illegal copies of the Plaintiff's patents on its websites.

29. 35 U.S.C. § 271 states in part,

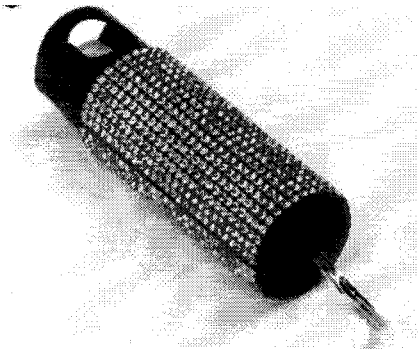
“(a) Except as otherwise provided in this title [35 USCS §§ 1 et seq.], whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefore, infringes the patent. (b) Whoever actively induces infringement of a patent shall be liable as an infringer.”

30. The Defendant's actions have violated 35 U.S.C. § 271 and 15 U.S.C. § 1125.

31. The Defendant, intentionally, willfully, and wantonly violated 35 U.S.C. § 271 and 15 U.S.C. § 1125.

32. The Defendant without authority placed in the stream of commerce and offered to sell, the Plaintiff's patented inventions, within the United States.

33. The Defendant markets the illegal product under its product line Guard Dog Security and calls it the “Bling It On.” Please see a photo below.



34. The Defendant without a license from the Plaintiff placed in the stream of commerce and offered to sell, the Plaintiff's patented inventions, within the United States.

35. The Defendant has induced individuals and companies to infringe on the Plaintiff's patented products. Including, but not limited to, the following companies:

a. www.amazon.com

b. www.zulily.com

36. A person with an internet connection may find the Defendants' illegal product on the websites listed above of the Induced Sellers.

37. The above identified sellers that sell and put the infringing product on their websites all do so with GUARD's express permission.

38. In addition to these infringing products, SUPER also received from GUARD knock-off pepper sprays, representative pictures of which are provided below. See Fig. Below.



39. The Accused devices available from GUARD through the websites above violate SUPER's patent rights.

40. SUPER's patent embodies the infringing product exposed for sale, offered for sale, and sold through GUARD induced sellers.

45. Defendants' exposing for sale, offering for sale, and selling the infringing products on GUARD's website violates SUPER's intellectual property rights by warehousing and/or offering for sale Accused devices, resulting in facilitation of third-party purchases of infringing products that violate SUPER's intellectual property rights.

46. Likewise, on information and belief, at least the GUARD induced sellers import into the United States the Accused Devices, also violate SUPER's intellectual property rights.

47. GUARD manages and controls the items that can be exposed for sale, offered for sale, and sold.

49. GUARD fulfills the sale of the products purchased by its buyers and induced sellers.

50. GUARD profits from the sale of infringing product.

51. But for GUARD and the GUARD induced sellers exposing for sale, offering for sale, and selling the infringing products, SUPER would not have been damaged nor would its intellectual property rights have been infringed.

52. After receiving notice of SUPER's patent GUARD continue to sell and continued to induce third parties to sell counterfeit and illegal products.

53. GUARD chose to ignore SUPER's notice because of the financial incentives it receives from sales.

54. GUARD's willful and deliberate actions have caused significant harm to SUPER.

55. GUARD infringes on SUPER's patent rights.

56. GUARD has induced third parties to infringe on SUPER's patent rights.

57. GUARD placed in the stream of commerce illegal products that are significantly cheaper than SUPER's product.

58. SUPER has lost customers and revenue due to the illegal and infringing products being put in to the stream of commerce by GUARD.

FIRST CLAIM FOR RELIEF
PATENT INFRINGEMENT
35 U.S.C. § 271

59. SUPER incorporates and re-alleges each of the allegations set forth above as though fully set forth herein.

60. GUARD infringed upon the rights of SUPER's patent by exposing for sale, offering to sell, selling, and importing the infringing product in the United States.

61. GUARD will continue to infringe on the patent unless an injunction is granted by this Court.

62. GUARD acts are willful, in disregard of, and with indifference to, the rights of SUPER.

63. As a direct and proximate cause of the infringement by GUARD, SUPER is entitled to reasonable royalties and lost profits in amounts to be proven at trial, enhanced damages, and reasonable attorney's fees pursuant to 35 U.S.C. § 285. Additionally, GUARD induced sellers Defendants are liable to SUPER to the extent of their total profits, but not less than \$250, pursuant to 35 U.S.C. § 289.

WHEREFORE, Plaintiff prays for relief as set forth below.

SECOND CLAIM FOR RELIEF
PATENT INFRINGEMENT BY INDUCEMENT
35 U.S.C. § 271(b)

64. SUPER incorporates and re-alleges each of the allegations set forth above as though fully set forth herein.

65. GUARD has infringed upon the rights of SUPER's patent by inducing individuals and companies to infringe upon the rights of SUPER's patent. Including Induced Sellers, but not limited to, listed below.

a. www.amazon.com

b. www.zulily.com

66. GUARD, with knowledge of SUPER's patent rights, has continued to allow the infringing product to be exposed for sale, offered for sale, and sold.

67. GUARD will continue to induce infringement of the patent through its sales activities unless enjoined by this Court.

68. GUARD's acts are willful, in disregard of, and with indifference to, the rights of SUPER.

69. As a direct and proximate cause of the infringement by GUARD, SUPER is entitled to reasonable royalties and lost profits in amounts to be proven at trial, enhanced damages, and reasonable attorney's fees pursuant to 35 U.S.C. § 285. Additionally, GUARD is liable to SUPER to the extent of its total profit, but not less than \$250, pursuant to 35 U.S.C. § 289.

70. Defendants have literally and wilfully infringed upon Plaintiff's patent. Alternatively, Defendants have infringed under the doctrine of equivalents "in situations where there is no literal infringement but liability is nevertheless appropriate to prevent what is in essence a pirating of the patentee's invention." GUARD'S infringing clock is substantially the same design.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them jointly and severally, as follows:

- A. Judgment against the Defendant declaring that the Defendant's actions directly infringe on the Plaintiff's patents Nos. US D731,172S and US D696,857S;
- B. Plaintiff's reasonable royalties that may be proper under 35 U.S.C. § 284 in amounts to be proven at trial;
- C. Plaintiff's lost profits with respect to each patent infringement in amounts to be proven at trial;
- D. The Defendant's profits from the illegal product.
- E. Enhanced damages that may be proper under 35 U.S.C. § 284 with respect to each patent infringement for the Defendant's willful infringement;

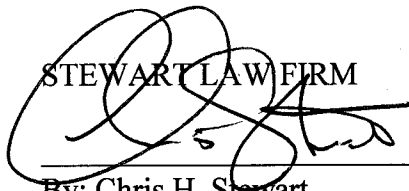
- F. A declaration that the Plaintiff's case against the Defendant is an exceptional case pursuant to 35 U.S.C. § 285 and therefore subject to attorneys' fees;
- G. An award of costs and attorneys' fee to the Plaintiff; and,
- H. Such other relief as the Court deems just and reasonable.

DEMAND FOR A JURY TRIAL

Plaintiff demand a trial by jury as to all claims averred herein that are triable by jury.

Dated: March 12th, 2018

STEWART LAW FIRM


By: Chris H. Stewart
Ark. Bar No. 03-222
Attorney for Plaintiff
P.O. Box 25862
Little Rock, AR 72221
Phone: 501-353-1364
Fax: 501-353-1263
Email: arklaw@comcast.net

ALBIN ROACH, PLLC

Jeffrey A. Yates
Texas Bar No. 24004999
service@albinroach.com
5665 Dallas Parkway, Ste. 200
Frisco, Texas 75034
Tel. (214) 423-5100
Fax (214) 423-5111

Attorneys for Plaintiff



US00D731172S

(12) **United States Design Patent**
Atteberry et al.

(10) Patent No.: **US D731,172 S**
 (45) Date of Patent: **** Jun. 9, 2015**

(54) **RHINESTONE COVERED CONTAINER FOR PEPPER SPRAY CANISTER**

(71) Applicants: **Andrea A Atteberry**, New York, NY (US); **Gabriel P Mazzone**, San Jose, CA (US)

(72) Inventors: **Andrea A Atteberry**, New York, NY (US); **Gabriel P Mazzone**, San Jose, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/466,781**

(22) Filed: **Sep. 11, 2013**

(51) LOC (10) CL **03-01**

(52) U.S. CL

USPC **D3/215**

(58) **Field of Classification Search**

USPC **D3/215, 208-212, 229, 201-205; 222/47, 153.1, 153.11, 153.13, 175, 222/182-183, 402.11; 70/414, 456 R; 224/246, 674, 669, 240, 683, 904, 914**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D404,562 S • 1/1999 Brown et al. **D3/215**
 D464,793 S • 10/2002 Anderton **D3/215**

(Continued)

Primary Examiner — **Catheri Oliver-Garcia**

(74) Attorney, Agent, or Firm — **Joe D. Calhoun**

(57) **CLAIM**

We claim the ornamental design for a rhinestone covered container for pepper spray canister, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a rhinestone covered container for a pepper spray canister, covering a portion of a

representative sample of a pepper canister within (in broken lines, unclaimed); also unclaimed is a representative sample of a loop for a key chain or similar device.

FIG. 2 is a top plan view of FIG. 1 thereof.

FIG. 3 is a bottom plan view of FIG. 1 thereof.

FIG. 4 is a front elevation view of FIG. 1 thereof, the rear elevation view being a mirror image thereof.

FIG. 5 is a left side elevation view of FIG. 1 thereof, the right side elevation view being a mirror image thereof.

FIG. 6 is a front perspective of a rhinestone covered container for a pepper spray canister, covering a portion (less than that of FIG. 1) of the representative sample of a pepper canister within (in broken lines, unclaimed); also unclaimed is a representative sample of a loop for a key chain or other attachment.

FIG. 7 is a front elevation view of FIG. 6 thereof, the rear elevation view being a mirror image thereof.

FIG. 8 is a left side elevation view of FIG. 6 thereof, the right side elevation view being a mirror image thereof.

FIG. 9 is a front perspective view of a rhinestone covered container for a pepper spray canister within (in broken lines, unclaimed); also unclaimed is a representative sample of a loop for a key chain or other attachment.

FIG. 10 is a front elevation view of FIG. 9 thereof, the rear elevation view being a mirror image thereof.

FIG. 11 is a left side elevation view of FIG. 9 thereof, the right side elevation view being a mirror image thereof.

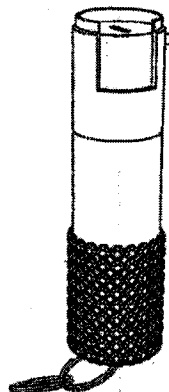
FIG. 12 is a front perspective view of a rhinestone covered container for a pepper spray canister, covering a portion (less than that of FIG. 9) of the representative sample of a pepper canister within (in broken lines, unclaimed); also unclaimed is a representative sample of a loop for a key chain or other attachment.

FIG. 13 is a front elevation view of FIG. 12 thereof, the rear elevation view being a mirror image thereof; and,

FIG. 14 is a left side elevation view of FIG. 12 thereof, the right side elevation view being a mirror image thereof.

The broken lines are for illustrative purposes and do not form part of the claimed design. It is understood that, disregarding the unclaimed material in broken lines, each respective bottom plan view of the latter three embodiments (FIGS. 6, 9 and 12) is the same as that of the first embodiment, depicted in FIG. 3. Each respective top plan view of the latter three embodiments is almost identical to that of the first embodiment, depicted in FIG. 3.

1 Claim, 7 Drawing Sheets



US D731,172 S

Page 2

(56)

References Cited

U.S. PATENT DOCUMENTS

D485,981 S *	2/2004	Romero	D3/215	
D516,241 S *	2/2006	Gaines et al.	D27/161	
D667,999 S *	9/2012	Sheffield	D28/81	
D465,645 S *	11/2002	Lombardo et al.	D3/215	
D468,092 S *	1/2003	Anderton	D3/215	* cited by examiner

U.S. Patent

Jun. 9, 2015

Sheet 1 of 7

US D731,172 S

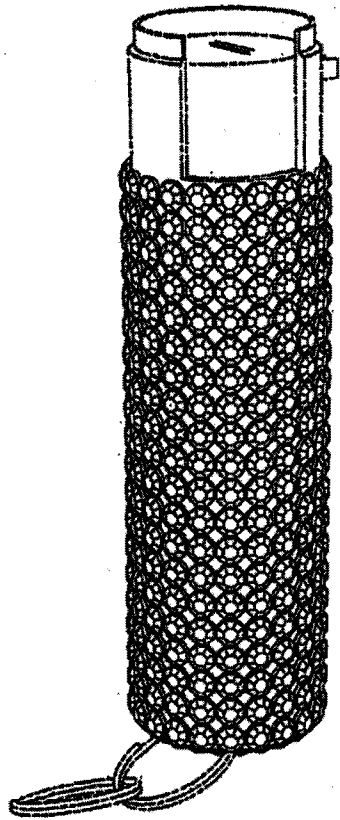


FIG. 1

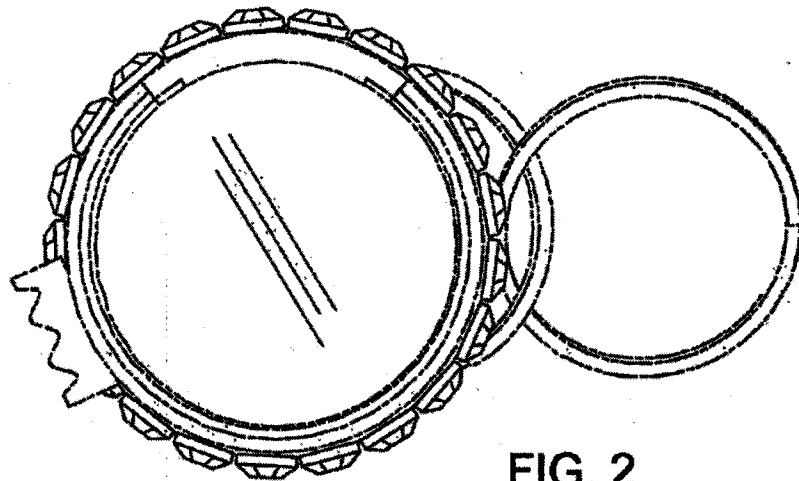


FIG. 2

U.S. Patent

Jun. 9, 2015

Sheet 2 of 7

US D731,172 S

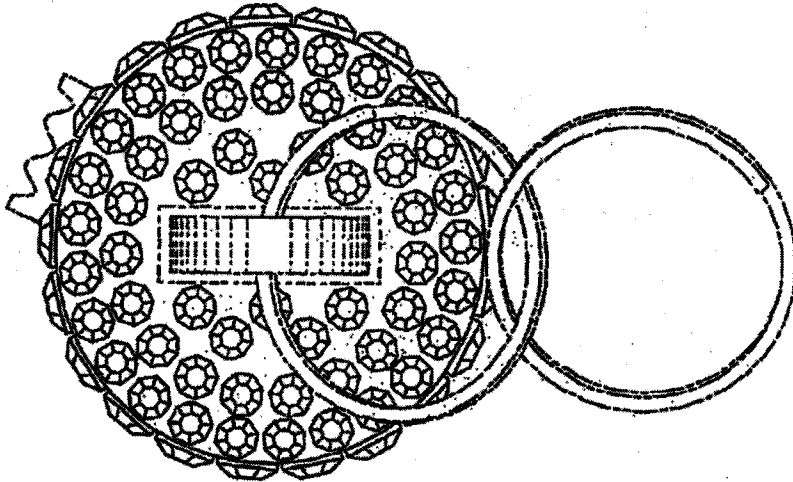


FIG. 3

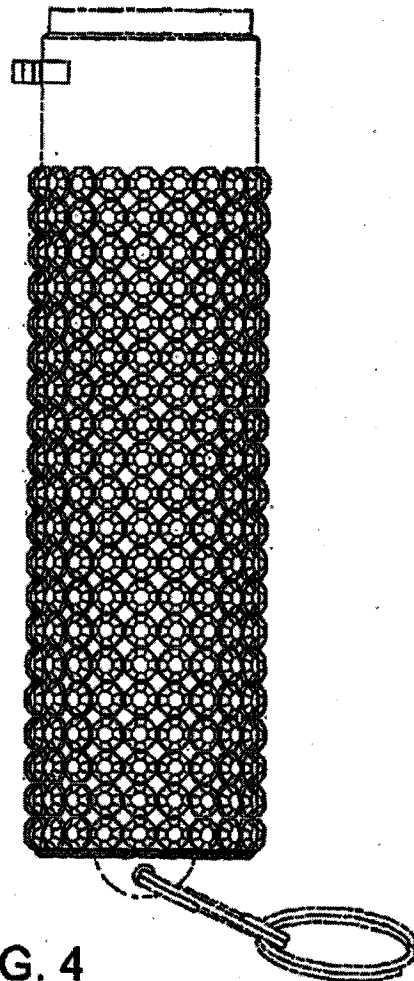


FIG. 4

U.S. Patent

Jun. 9, 2015

Sheet 3 of 7

US D731,172 S

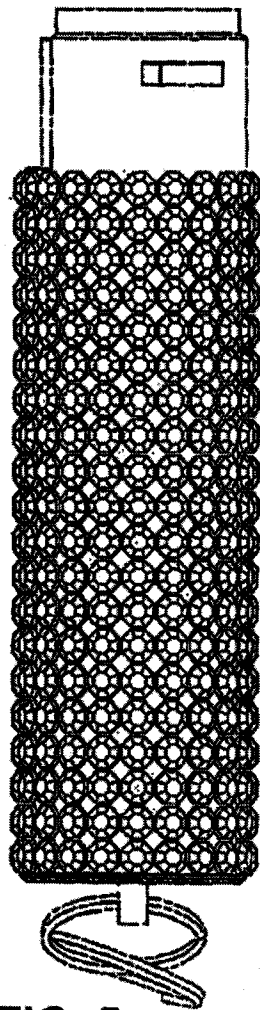


FIG. 5

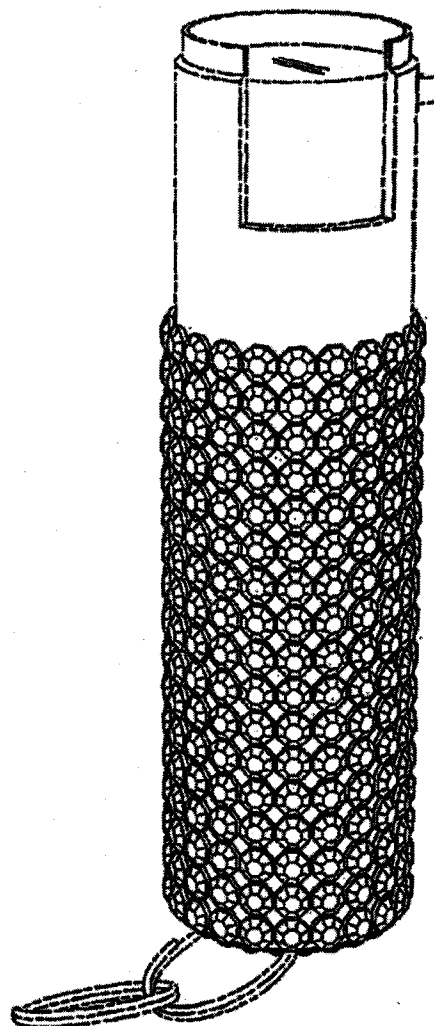


FIG. 6

U.S. Patent

Jun. 9, 2015

Sheet 4 of 7

US D731,172 S

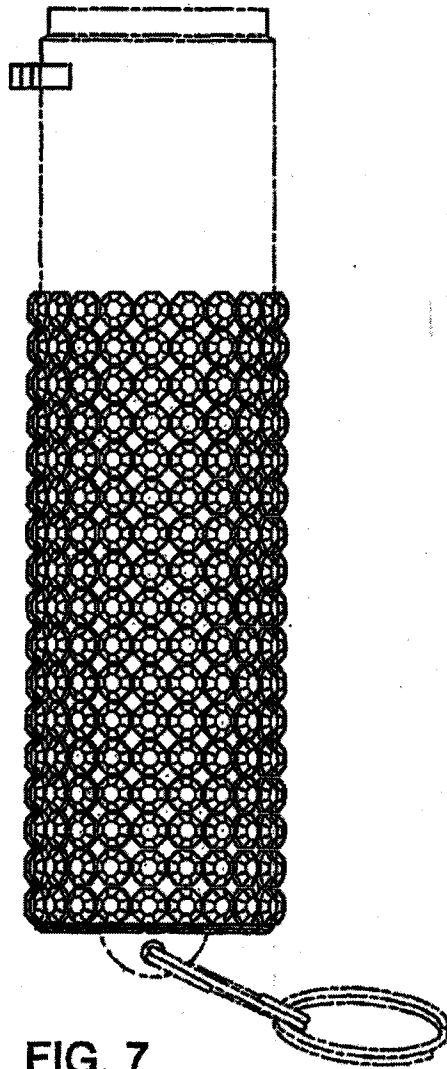


FIG. 7

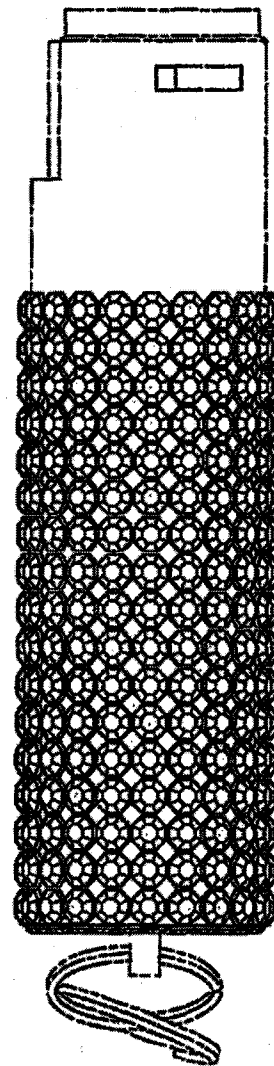


FIG. 8

U.S. Patent

Jun. 9, 2015

Sheet 5 of 7

US D731,172 S

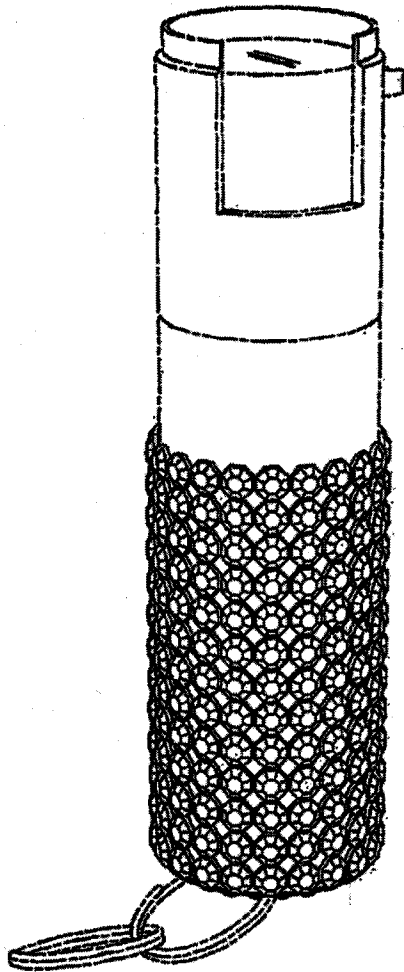


FIG. 9

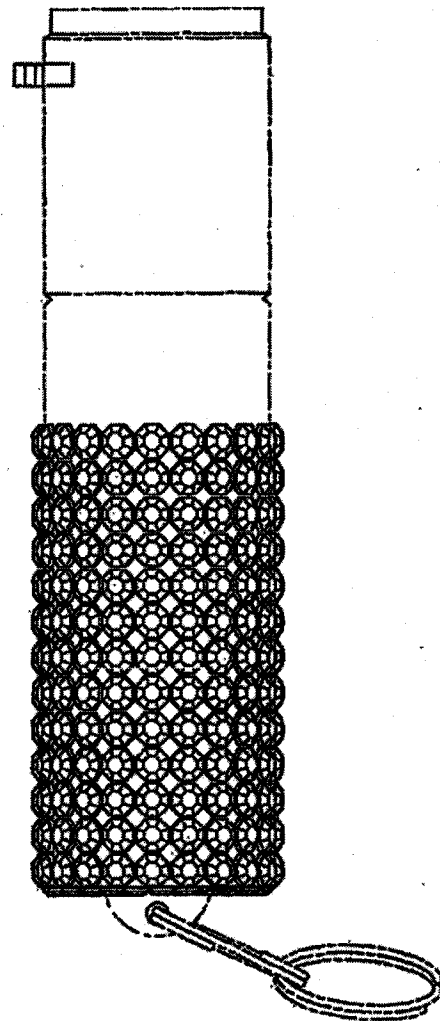


FIG. 10

U.S. Patent

Jun. 9, 2015

Sheet 6 of 7

US D731,172 S

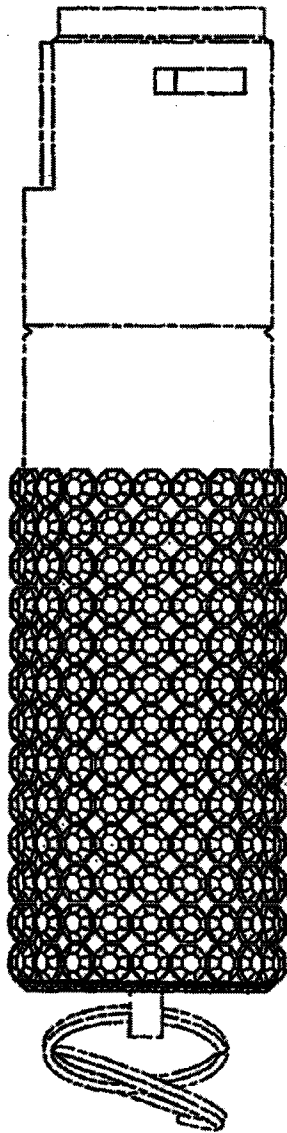


FIG. 11

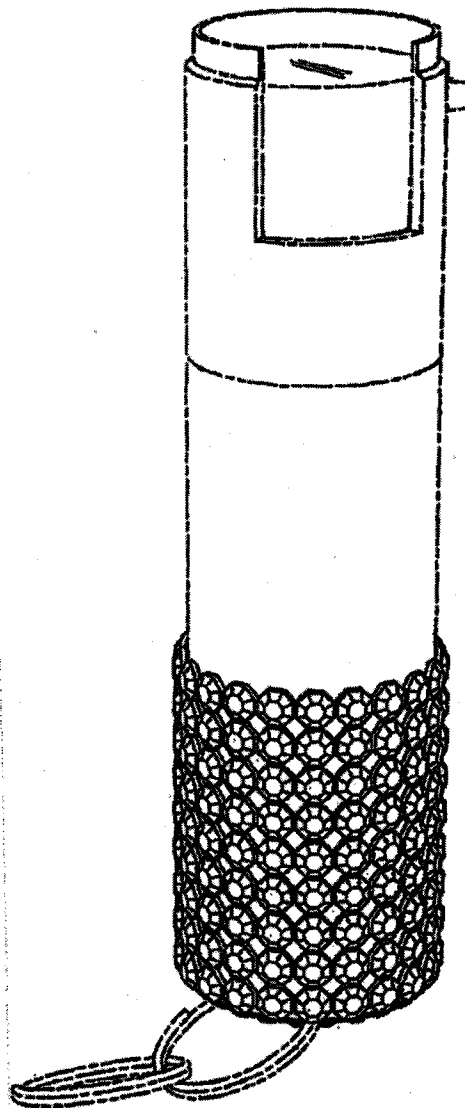


FIG. 12

U.S. Patent

Jun. 9, 2015

Sheet 7 of 7

US D731,172 S

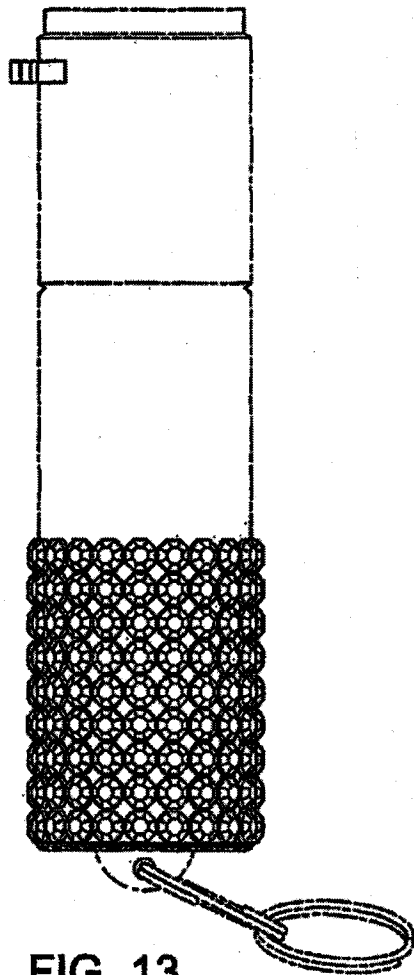


FIG. 13

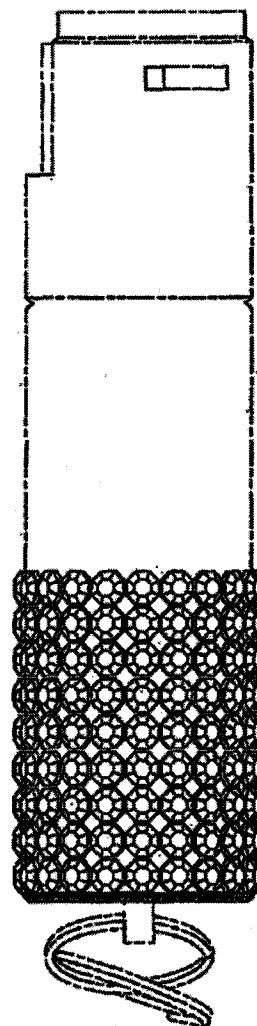


FIG. 14



US00D696857S

(12) **United States Design Patent** (10) Patent No.: **US D696,857 S**
Atteberry et al. (45) Date of Patent: **** Jan. 7, 2014**

(54) **RHINESTONE COVERED CONTAINER FOR PEPPER SPRAY**

DESCRIPTION

(71) Applicants: **Andrea Atteberry, New York, NY (US);**
Gabe Mazzone, San Francisco, CA (US)

(72) Inventors: **Andrea Atteberry, New York, NY (US);**
Gabe Mazzone, San Francisco, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/447,536**

(22) Filed: **Mar. 4, 2013**

(51) LOC (10) CL **03-01**

(52) U.S. CL.
 USPC **D3/215**

(58) Field of Classification Search
 USPC **D3/215, 208-212, 229, 201-205;**
222/47, 153.1, 153.11, 153.13, 175,
222/182-183, 402.11; 70/414, 456 R;
224/246, 674, 669, 240, 683, 904, 914
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,699,667 A * 1/1955 Mark et al. **70/414**
 4,220,263 A * 9/1980 Caruso **222/183**

(Continued)

OTHER PUBLICATIONS

Blingsting Pepper Spray, 2013, www.blingsting.com.*

Primary Examiner — Catheri Oliver-Garcia

(74) Attorney, Agent, or Firm — Joe D. Calhoun

(57) **CLAIM**

The ornamental design for a rhinestone covered container for pepper spray, as shown and described.

FIG. 1 is a perspective view of a rhinestone covered container for pepper spray, having a cutout configuration in the shape of a heart, and a hollow interior.

FIG. 2 is a top plan view of FIG. 1 thereof.

FIG. 3 is a bottom plan view of FIG. 1 thereof.

FIG. 4 is a front elevation view of FIG. 1 thereof.

FIG. 5 is a rear elevation view of FIG. 1 thereof.

FIG. 6 is a first side elevation view of FIG. 1 thereof, with the second side elevation being a mirror image of the first side elevation.

FIG. 7 is another perspective view of FIG. 1 thereof, with a pair of rings attached to the attachment opening, with the rings shown in broken lines.

FIG. 8 is another perspective view of an embodiment of FIG. 1 thereof, with the container having a cutout configuration in the shape of a circle.

FIG. 9 is a front elevation view of FIG. 8 thereof.

FIG. 10 is another perspective view of an embodiment of FIG. 1 thereof, with the container having a cutout configuration in the shape of a square.

FIG. 11 is a front elevation view of FIG. 10 thereof.

FIG. 12 is a perspective view of alternative embodiment of the rhinestone covered container for pepper spray, with the container having a closed top or cap, a cutout configuration in the shape of a heart, and a thumb-trigger; and,

FIG. 13 is another perspective view of FIG. 12 thereof.

It is understood that the corresponding top plan, bottom plan, rear elevation, and side elevation views of the embodiments having a circle-shape cutout configuration and a square-shape cutout configuration of the container are similar to the views of the container having a heart-shaped cutout configuration of the embodiment of FIGS. 1-7, respectively. The corresponding views of the embodiment shown in FIG. 12 are similar to the views of FIGS. 1-7.

The broken lines are for illustrative purposes and do not form part of the claimed invention.

1 Claim, 7 Drawing Sheets



US D696,857 S

Page 2

(56)

References Cited

U.S. PATENT DOCUMENTS

D270,968 S * 10/1983 Boal D3/208
4,454,966 A * 6/1984 Hicks 222/153.11
5,111,968 A * 5/1992 Wilkerson 222/47

5,458,263 A * 10/1995 Ciannitti et al. 222/153.1
D418,289 S * 1/2000 Olson D3/208
D503,039 S * 3/2005 Cook et al. D3/229
D649,777 S * 12/2011 Tyybakioja et al. D3/215

* cited by examiner

U.S. Patent

Jan. 7, 2014

Sheet 1 of 7

US D696,857 S



FIG. 1

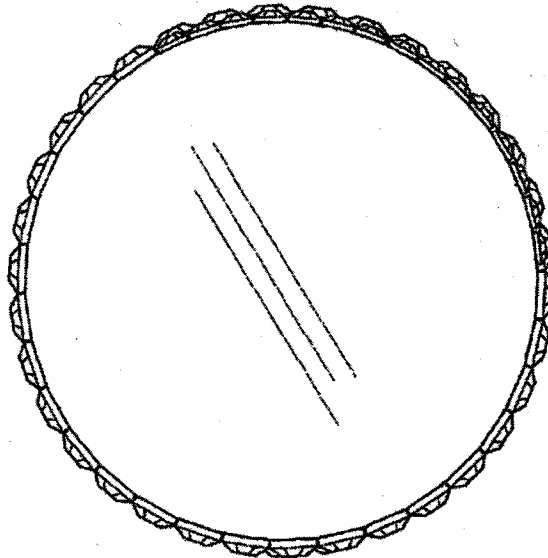


FIG. 2

U.S. Patent

Jan. 7, 2014

Sheet 2 of 7

US D696,857 S

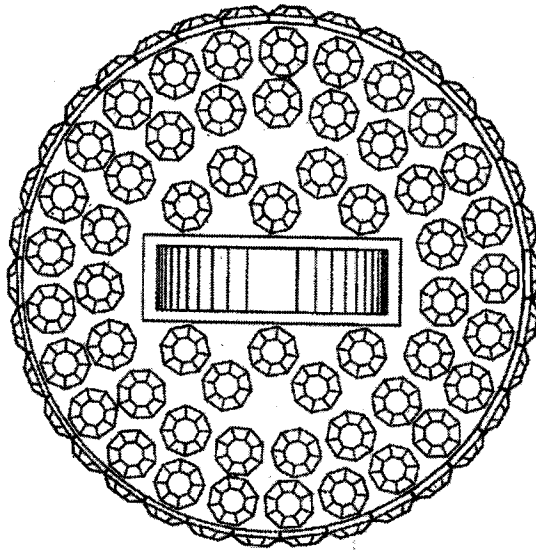


FIG. 3



FIG. 4

U.S. Patent

Jan. 7, 2014

Sheet 3 of 7

US D696,857 S



FIG. 5

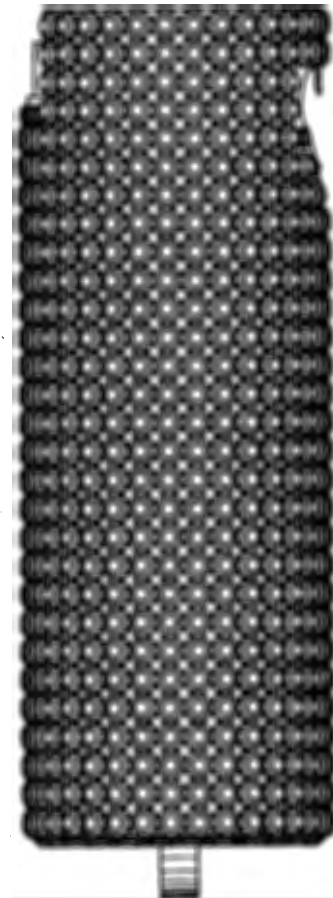


FIG. 6

U.S. Patent

Jan. 7, 2014

Sheet 4 of 7

US D696,857 S

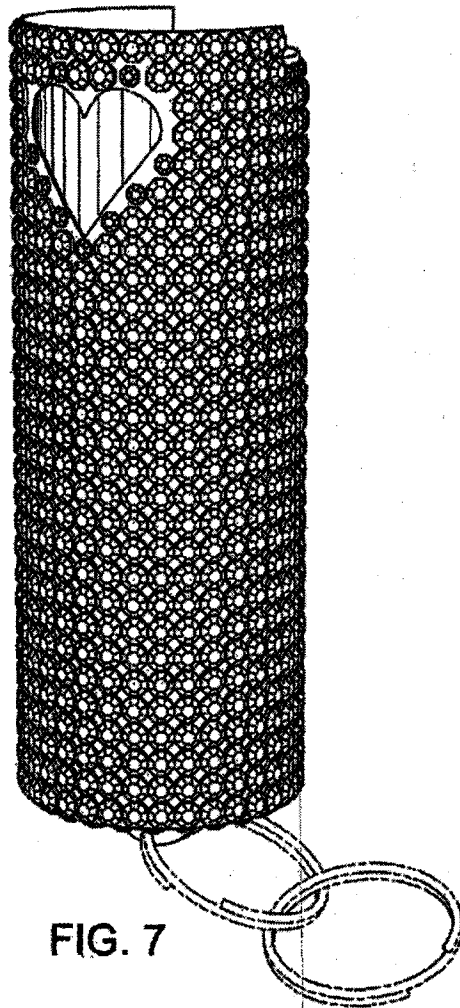


FIG. 7

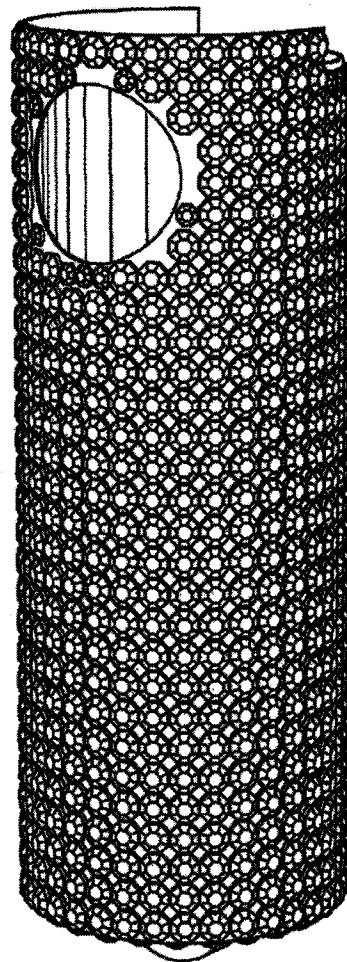


FIG. 8

U.S. Patent

Jan. 7, 2014

Sheet 5 of 7

US D696,857 S



FIG. 9

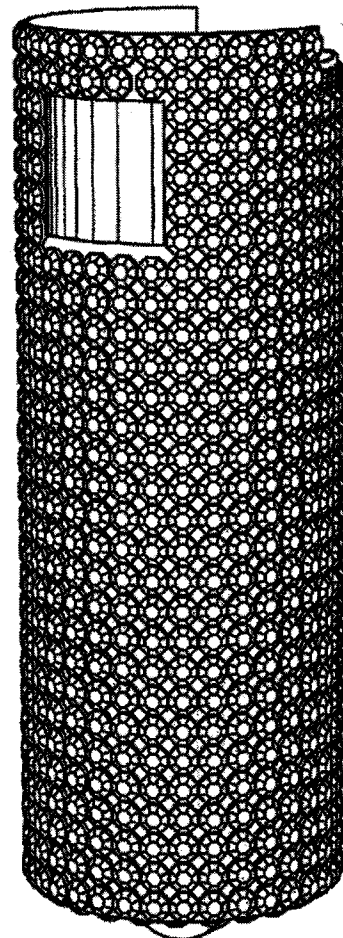


FIG. 10

U.S. Patent

Jan. 7, 2014

Sheet 6 of 7

US D696,857 S



FIG. 11



FIG. 12

U.S. Patent

Jan. 7, 2014

Sheet 7 of 7

US D696,857 S

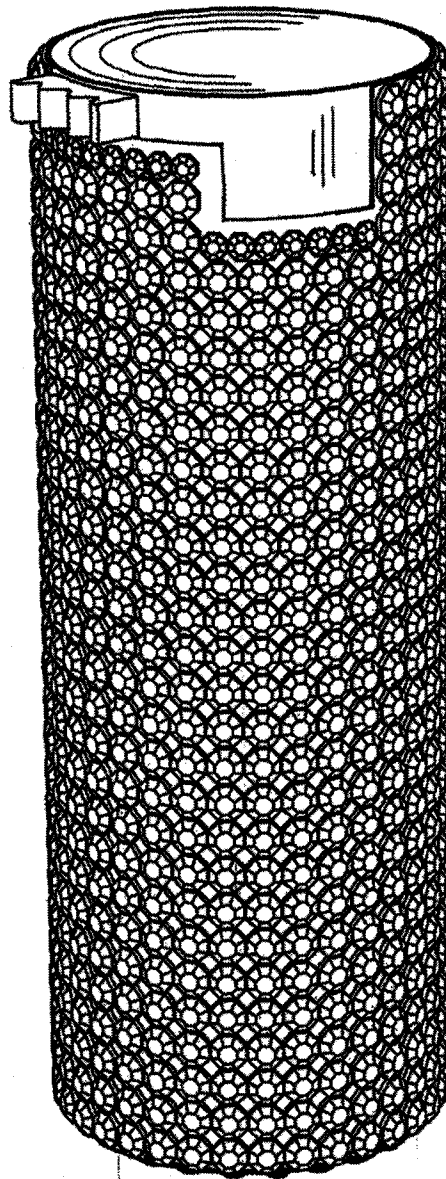


FIG. 13

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

RECEIVED

MAR 13 2018

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**I. (a) PLAINTIFFS**

Super-Sparkly Safety Stuff, LLC

DEFENDANTS

Skyline USA, Inc., d/b/a Guard Dog Security

(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Stewart Law Firm
PO Box 25862
Little Rock, AR 72221 PH: 501-353-1364

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 462 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. § 271

Brief description of cause:
Patent Infringement**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/12/18

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____